



Maryland

Department of the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

OCT 11 2016

The Honorable Jan H. Gardner
County Executive
Frederick County
12 East Church Street
Frederick, MD 21701

Dear Executive Gardner:

The Maryland Department of the Environment (MDE) has completed its final review of the **Fall 2015 Cycle of Water and Sewerage Plan Amendments (Amendment)** to the 2014 Frederick County Water and Sewerage Plan. The Frederick County Council adopted the Amendments on April 5, 2016. The Amendment request involves three (3) Water and Sewer Amendment Cases (see attached summary).

During MDE's initial review of the Amendments, the Maryland Department of Planning (MDP) advised the Department that Case WS-15-11 and Case WS-15-12 of the Fall 2015 Cycle were consistent with the Frederick County Comprehensive Plan. As a result, the Department previously approved Case WS-15-11 and Case WS-15-12 by letter dated July 18, 2016. MDP advised the Department that Case WS-15-13 (Lewistown Sewer Service Area) was inconsistent with the Comprehensive Plan's policy against the construction of new sub-regional wastewater treatment plants (see enclosed letter). However, prior to MDP's determination that Case WS-15-13 was inconsistent, the Frederick County Planning Commission held a public meeting on March 9, 2016, and found that Case WS-15-13 was consistent with the County Comprehensive Plan. Due to the planning issues raised, the review period for Case WS-15-13, set to expire on July 18, 2016, was extended by an additional 90 days.

Subsequent to the original submittal of the Amendment, Frederick County submitted supplemental information to further support Case WS-15-13 and address issues raised by MDP (see enclosed September 9, 2016 letter from Frederick County Department of Planning). The Lewistown Sewer Service Amendment (Case WS-15-13) would revise the text of Chapter 1 and Chapter 4 to establish a Sewer Service Area for the Lewistown area to address a public health issue. The Lewistown Service Area was delineated based on a sanitary survey conducted by the Frederick County Health Department (see attached Lewistown Sewer Service Map). The sanitary survey found that septic issues were common, and many existing systems were failing due in large part to shallow depth to groundwater. Small lot sizes in this area make replacement systems impracticable. Based

on the most recent sanitary survey from 2013, the Lewistown community contains 37 existing failing septic systems, with an additional 6 lots currently using holding tanks (see attached sanitary survey results map).

The Lewistown Sewer Service Area will be governed by the existing NPDES Permit (MD0022900) for the Lewistown Elementary School Multi-use system, which allows for an average daily discharge of 22,000 GPD. The existing Lewistown Mills NPDES Permit (MD00367237), with an average daily discharge limit of 4,990 GPD, will be transferred to Frederick County. The permit transfer will allow for the nutrient allocation and capacity of the Lewistown Mills permit to be combined with the existing Lewistown Elementary School Multi-use system for a total capacity of 27,000 GPD for the proposed Lewistown Sewer Service Area. The proposed service area contains approximately 84 improved residential lots, in addition to the Lewistown Elementary School and the Lewistown Volunteer Fire Company. The proposed service area has been assigned three sewer service categories. The S-1 category (existing service) was assigned to the properties currently serviced by the existing Lewistown multi-use sewer system. The S-5 category (service in 7-10 years) was assigned to those properties identified as having the highest priority. The properties in the S-5 category are the existing residences and businesses located in the Core Area of the sanitary survey (along Hessong Bridge Road). The remaining properties within the proposed service area were assigned the PS category (future planned service). The properties identified in the PS category are the Priority 2 areas, and including the existing residences and businesses within the service area, but outside the established Core Area.

Based on the supplemental information presented to MDE, the Department has determined there is a significant public health issue within the Lewistown community. The Amendment presented is limited in scope to address the public health concerns while limiting the potential for subsequent development on sewer. The Department hereby approves Case 15-13, to establish the Lewistown Sewer Service Area as outlined in the submitted Amendment. The approved Amendment will allow the County to address the public health issue of the septic systems in the Lewistown community. The County is strongly encouraged to address MDP's recommendations in regards to the existing sub-regional policy in the Comprehensive Plan.

This action completes MDE's final review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance, please contact Virginia F. Kearney, Deputy Director, at 410-537-3512, toll-free at 800-633-6101; or by email at virginia.kearney@maryland.gov.

Sincerely,


Lynn Buhl, Director
Water Management Administration

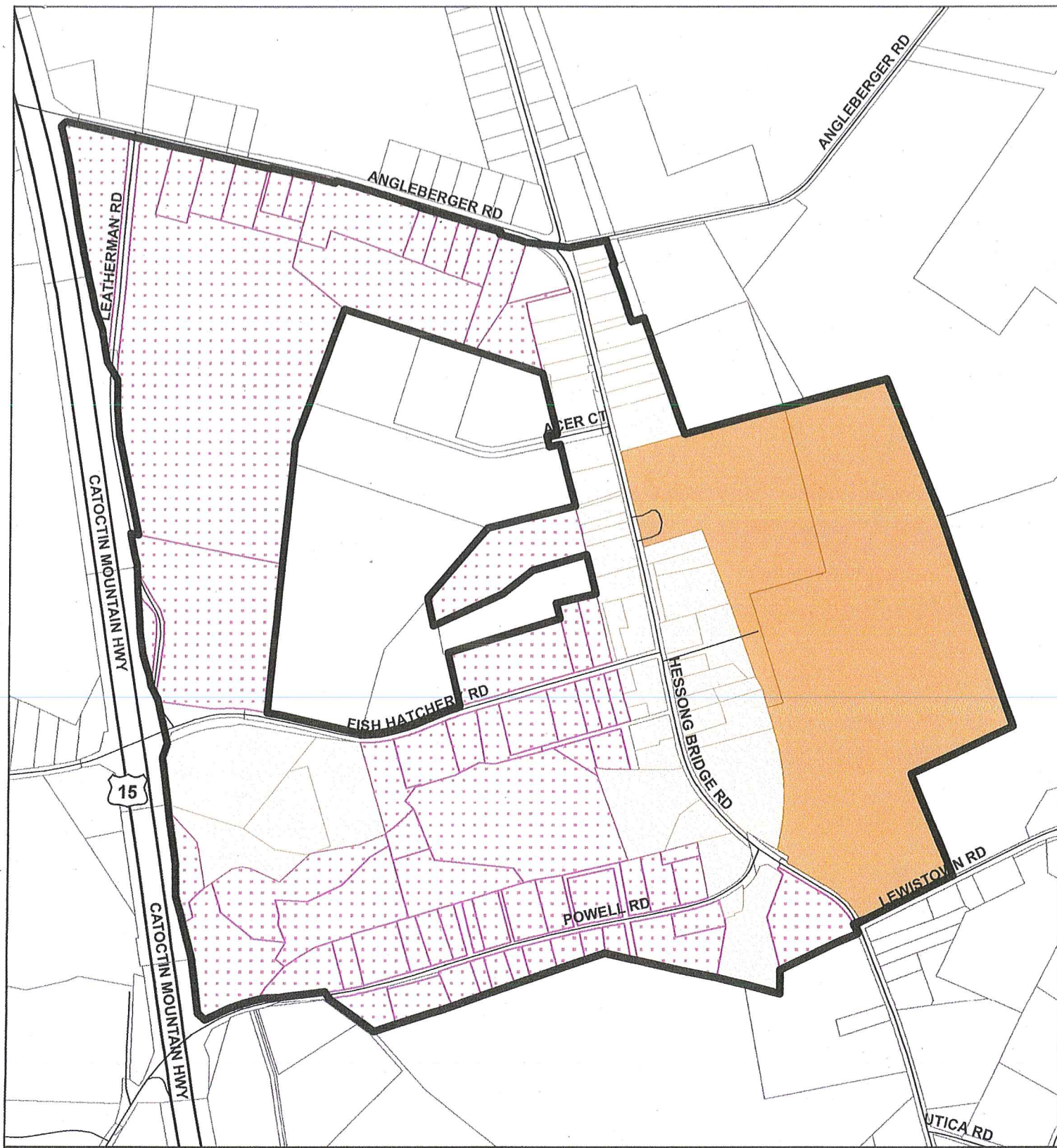
The Honorable Jan H. Gardner
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Enclosures

cc: Steve Horn, Division Director, Planning and Permitting Division, Frederick County
Jim Gugel, Planning Director, Dept. of Planning & Dev. Review, Frederick County
Tim Goodfellow, Frederick County Community Development Division
Charles Boyd, Deputy Director, Planning Services, MDP
Virginia F. Kearney, Deputy Director, WMA, MDE

**Frederick Fall 2015 Cycle of Water and Sewer Amendments –
Summary of Cases**

Case Number	Applicant	Request	MDE Action
WS-15-11	Frederick County Division of Planning and Permitting	Adopted various text amendments to the Water and Sewerage Plan, as modified by MDE in the 2014 Triennial Update to the Plan.	Previously approved adopted text amendments of Case WS-15-11.
WS-15-12	Frederick County Division of Planning and Permitting	Text amendment to include additional data about the New Design Road Water Treatment Plant. Also add a discharge symbol to the Sewer Map.	Previously approved Case WS-15-12
WS-15-13	Frederick County Division of Planning and Permitting	Text Amendment to Chapter 1 and Chapter 4 to establish a Sewer Service Area for the Lewistown Community to address public health issues. Also apply sewer classifications to properties within the Lewistown Sewer Service Area.	Approved Lewistown text and map amendment to establish the Lewistown Sewer Service Area



Lewistown Sewer Service Plan

Frederick County, Maryland
Division of Planning and Permitting

- Service Area Boundary
- S-1, Existing Service
- S-5, 7-10 Years
- PS, Planned Service
- NPS, No Planned Service

0 0.05 0.1 0.2 Miles

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.

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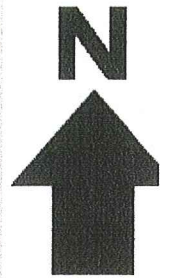
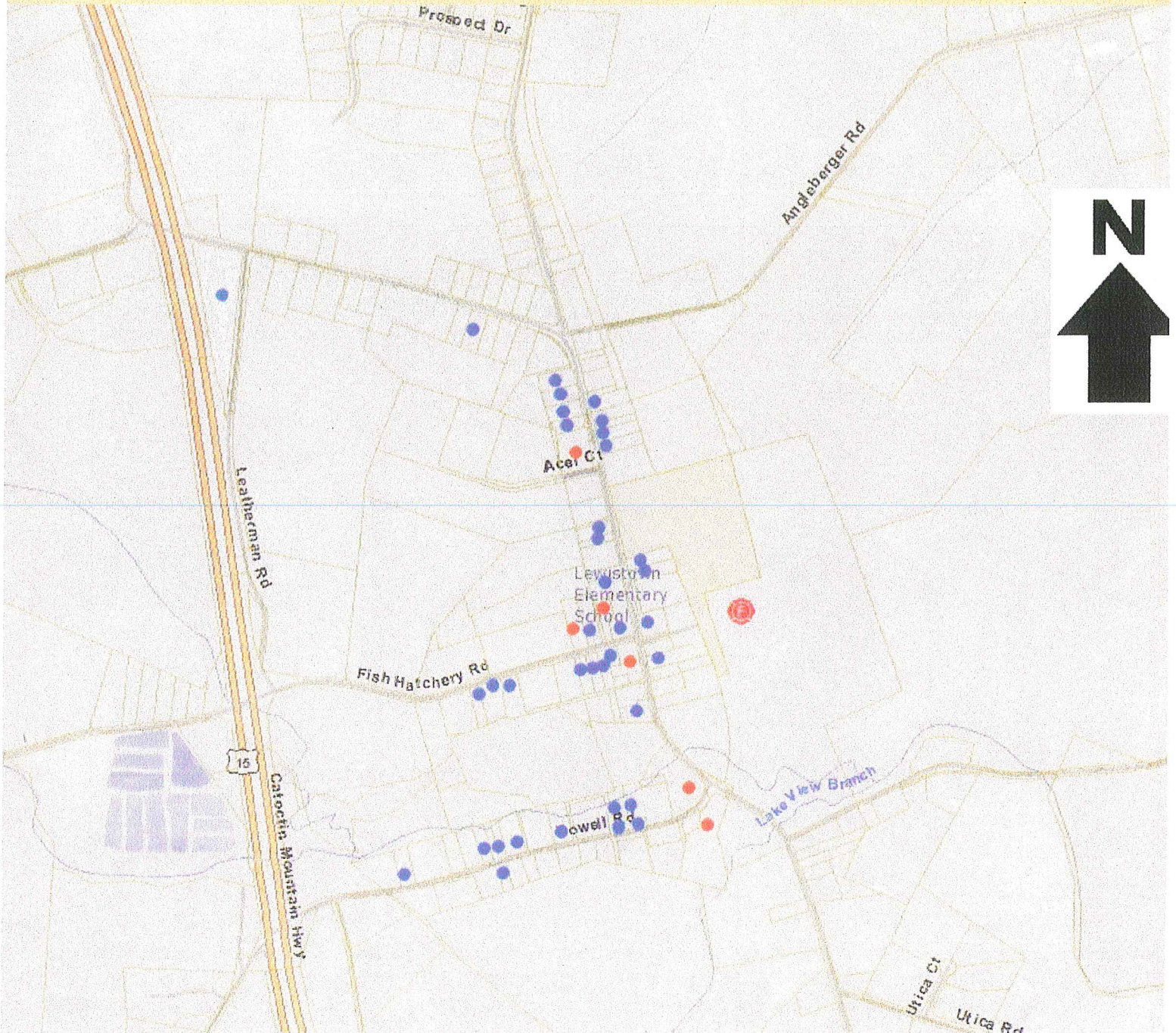


January 19, 2016
Frederick County GIS



LEWISTOWN 2013 SANITARY SURVEY

Sewer Needs Assessment



Frederick County, MD



Blue - No area for repair / Failing system

Red - No area for repair / Using holding tank

*Includes records review of improved properties



July 21, 2016

Ms. Janice Outen
Maryland Department of the Environment
Water Quality Infrastructure Program
1800 Washington Boulevard
Baltimore, MD 21230

**Re: Frederick County Water and Sewerage Plan
Fall 2015 Cycle of Amendments Adopted**

Dear Ms. Outen:

The Maryland Department of Planning (Planning) has reviewed the above referenced water and sewerage plan amendments pursuant to our mandate to advise the Maryland Department of the Environment (Environment) on local comprehensive plan consistency and other appropriate matters as required by Environmental Article Section 9-507 (b)(2). Frederick County's Fall 2015 Cycle of Water and Sewer Amendments includes three separate Resolutions (16-07, 16-08, and 16-09) which were adopted by the Frederick County Council on April 5, 2016 and sent to Environment for review on April 8, 2016.

Summary of Amendment

The Fall 2015 Cycle of Amendments included three separate series of text amendments to the 2014 Water and Sewer Plan (WSP):

Resolution 16-07 (Case#WS-15-11): The County Council approved a series of text amendments, which include data, figures and charts in Chapters 2, 3, and 4 of the WSP, which were approved by Environment on June 2, 2015, as part of the 2014 Triennial Update of the WSP.

Resolution 16-08 (Case #WS-15-12): The County Council approved text amendments to Section III, County Community Systems, in Chapter 3, of the WSP to include additional data about the New Design Water Treatment Plant required by the Environment, factual clarifications to descriptions of the County's water systems, and an Infrastructure Amendment to add a discharge symbol to the Sewer Map to address wastewater generated from the water treatment process at the County's New Design Road Water Treatment Plant.

Resolution 16-09 (Case #WS-15-13): The County Council approved text amendments to Chapter 1 (Policies and Procedures) and Chapter 4 (Sewerage Systems) of the WSP to establish

a Sewer Service Area for the Lewistown Community. This action is to address a public health concern from the aging septic systems in the area, the need to replace the aging multi-use wastewater treatment system for the Lewistown Elementary School and fire state, and to apply sewer service classifications to properties within the newly formed Lewistown Sewer Service Area.

Comprehensive Plan Consistency

The WSP amendments associated with Resolution 16-07 (Case #WS-15-11) and Resolution 16-08 (Case #WS-15-12) are **consistent** with the 2010 Frederick County Comprehensive Plan. These text amendments are in response to directives by Environment to update technical data and to provide more detailed explanatory narrative of the County systems. These amendments clarify and correct various parts of the WSP and appear to further the goals and policies of the County's comprehensive plan.

The WSP amendments associated with Resolution 16-09 (Case #WS-15-13) are **inconsistent** with the 2010 Frederick County Comprehensive Plan by proposing the Lewistown Sewer Service Area. The County's comprehensive plan specifically prohibits establishing a new sub-regional wastewater treatment plant and states public sewer service is not to be provided to areas outside of Community Growth Areas.

The following excerpts from the 2010 Frederick County Comprehensive Plan goals and policies (shown in *italics*) are provided to substantiate the determination that this proposed amendment is inconsistency with the County's comprehensive plan:

Chapter 05: Preserving Our Agricultural and Rural Community (page 05-2)

AG-P-05 Support land use initiatives to maintain and enhance Rural Communities to service the agricultural industry.

The establishment of this new sewer service area has the potential of enabling new commercial and residential development that would be out of character with the purpose and intent of the Rural Community designation.

Chapter 09: Assessing Our Water Resources (page 09-2)

WR-P-01 Provide community water/sewer service only within Community Growth Areas.

WR-P-10 Prohibit the construction of new sub-regional wastewater treatment plants.

Frederick County's comprehensive plan focuses its discussion of the provision of public water and sewer service to Community Growth Areas. Policy WR-P-01 explicitly states that community water/sewer service be provided only to Community Growth Area. It should be acknowledged that Frederick County does provide public water and/or sewer service outside of Community Growth Area. The County's WSP identifies five existing sub-regional sewer systems (Highfield/Cascade, White Rock, Crestview Estates, Mill Bottom, and Pleasant Branch). None of these sewer systems are shown in the County's Comprehensive Plan Map 09-3 "Current/Planned Wastewater Treatment Service Areas" on page 09-13. While not mapped in the County's comprehensive plan, the County's WSP describes the existing facilities, the existing and future demand, and in some cases planned improvements.

This WSP amendment proposes to add a sixth sub-regional system, which is also contrary to Policy WR-P-10 (above) that states "Prohibit the construction of new sub-regional wastewater treatment plants." Other than the policy statement itself (i.e., WR-P-10), the County's comprehensive plan does not provide much guidance to address the existing sub-regional wastewater treatment plants, or any guidance to the development of new systems. If this WSP amendment is an indication of a land use policy change or measure the County wishes to implement to address these previously developed rural areas outside the Community Growth Areas, the County may want to consider adding policy discussion in its comprehensive plan on the County's strategy to use or discontinued use of sub-regional water and sewer systems.

Planning suggests that if the County wants to provide another sub-regional wastewater treatment plant to serve the Lewistown area, the County's comprehensive plan should be amended first to allow for this action and then subsequently amend the County WSP to carry out the policy established in the comprehensive plan.

Planning notes there are two other existing sub-regional sewer systems (White Rock and Crestview) which are southwest of the proposed Lewistown Sewer Service Area along Bethel Road. Given the proximity of these other sub-regional systems to the proposed Lewistown area, the County may benefit from a more comprehensive assessment for sewer service to address public health issues for this part of the County and investigate whether an integrated solution would be appropriate for all three areas.)

In the more detailed Water Resources Element, which is adopted by reference in the County's comprehensive plan, the section on "Individual Septic Treatment Systems" states,

Detailed Water Resources Element: (Referenced in Chapter 09) (page 42)

INDIVIDUAL SEPTIC TREATMENT SYSTEMS

Residences and businesses outside of the County's community sewerage service areas treat their wastewater with individual septic systems. The Health Department estimates that there are approximately 33,000 residential septic systems in Frederick County.

There are areas of the County where septic systems are failing; poor soil conditions are the primary cause but lack of regular pumping and inspection by homeowners are also to blame. Sand mound (above-ground) systems can be employed in some of these areas. In some cases, soil conditions preclude the use of any on-site septic disposal system. According to the County's Environmental Health Department failing systems are prevalent in Adamstown, Bartonsville, Buckeystown, Burkittsville, Creagerstown, Lewistown, Myersville (south of town), Rocky Ridge, and Wolfsville.

New technologies can limit the nitrogen loads from onsite septic systems. The Bay Restoration Fund has made available grants through the local Health Department and Canaan Valley Institute to upgrade or replace existing septic systems to reduce nitrogen loading to the Bay.

The Water Resource Element identifies the Lewistown area with failing septic systems, but the comprehensive plan does **not** include text that provides for the extension or establishment of sewer service areas to address public health and safety concerns. Specifically, this element does identify the need to provide new technologies for onsite septic systems and the need to upgrade or replace existing septic systems, but the addition of new sub-regional sewer systems is **not** proposed as solution to address this problem. If the County wishes to establish a policy to

extend or establish sewer service areas to address public health/safety concerns, the County should consider amending its plan to include such provisions, as well as update the WSP with specific implementation criteria. Planning offers its planning and technical assistance if the County is interested in seeing how other counties have handled this land use-public health balancing issue.

Chapter 10: Managing Our Growth (page 10-2)

MG-G-04 Reduce non-rural development outside of Community Growth Areas while maintaining opportunities for compatible agricultural support services and uses in the Rural Communities.

The proposed establishment of a Lewistown Sewer Service Area has the potential of introducing incompatible uses that do not support agriculture and would be out of character for the purpose of Rural Communities. Additionally, by establishing a sewer service area the existing properties along Hessong Bridge Road, which is zoned Village Center and allows 6,000 s.f. single-family dwellings, have the potential to redevelop and significantly intensify development, even in this relatively defined area.

MG-P-12 Public, community water and sewer service shall not be extended to properties outside of a Community Growth Area. (Page 10-3)

This policy is a restatement of Policy WR-P-01 found in the Water Resources Element, and conflicts with the creation of the proposed Lewistown Sewer Service Area. If the County wants to provide sewer service to the Lewistown area, this comprehensive plan policy should be revised to recognize there are some public health concerns that may warrant extending water and/or sewer service outside of the Community Growth Areas. Such exceptions for public health reasons need to have rigorous standards to ensure that service extensions outside of the more compact planned service area are rare but may be legitimate to address documented public health/safety problems. Therefore, the local comprehensive plan should establish policy guidance on what conditions would warrant extension of service outside of the Community Growth Areas. The subsequent implementation of this comprehensive plan guidance in the WSP should stipulate the required documentation of all possible alternatives explored before extending service outside of the Community Growth Area and the full exploration of the unintended consequences on adjacent lands by extending sewer service. Planning's staff is available to assist in this effort if Frederick County is interested in pursuing such an amendment to the County's comprehensive plan.

MG-P-14 Limit the development or expansion of general commercial activities along US 15 to land within Community Growth Areas. (Page 10-4)

The proposed Lewistown Sewer Service area has the potential of facilitating development or expansion of general commercial activities along US 15 outside of a Community Growth Area. There are three separate areas designated on the County comprehensive plan's land use map in the Lewistown area as General Commercial and are zoned General Commercial (GC). Two of these General Commercial areas front on US 15; one of these GC zoned areas is an existing business, Beckley's Camping Center. Extension of sewer service to this site has the potential to enable intensification of the commercial activity, which is relatively low (mostly outside vehicle

display and storage). The other GC zoned site fronting US 15 contains two structures at the eastern side of the property, which are not readily visible from US 15. This property appears to be somewhat undeveloped at this time and could be developed with more intensive commercial uses visible from US 15.

Lewistown is identified in Frederick County's Comprehensive Plan as a Rural Community. Chapter 10: Managing Our Growth (Page 10-12), describes Rural Communities:

Rural Communities are small, compact villages located throughout the County in the agricultural areas generally comprising homes, a church or other community organization, and on occasion, some small businesses. These communities, often located at the intersection of rural highways, developed in large part, prior to the twentieth century as centralized locations for area farmers to meet and trade.

*Given the deep roots of these communities in the history of Frederick County, this Plan maintains the land use designation - Rural Community - for these identifiable places. While these Rural Communities are not identified as Community Growth Areas, this designation acknowledges that limited, and mostly residential, growth may continue to occur in these villages as infill development. **Private well and septic systems are the intended means of providing the infrastructure necessary to service existing, and any additional, homes or small businesses.** (emphasis added)*

As stated in the County's comprehensive plan, Rural Communities are intended to use onsite septic systems.

Priority Funding Area Review

Pursuant to Title 5, Subtitle 7B of the State Finance and Procurement Article, local jurisdictions are eligible to receive State financial assistance for growth related projects located in a Priority Funding Area (PFA).

The WSP amendments associated with Resolution 16-07 (Case#WS-15-11) and Resolution 16-08 (Case #WS-15-12) are not specifically applicable to growth related projects in a PFA.

The WSP amendments associated with Resolution 16-09 (Case #WS-15-13) for the proposed Lewistown Sewer Service Area is **not** located within a Priority Funding Area and is **not** a designated Rural Village PFA, as provided in §5-7B-03(f). Planning's records show that the Mountindale area, west of US 15, is designated a Rural Village PFA but not Lewistown. Should the County seek State funds to address potential public health concerns in the Lewistown area, the funding will require a PFA "exception" from the Smart Growth Interagency Coordination Committee.

Growth Tier Map Review

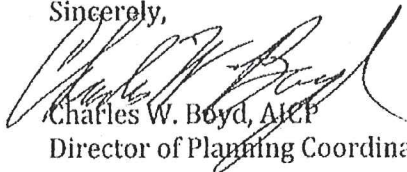
The WSP amendments associated with Resolution 16-07 (Case#WS-15-11) and Resolution 16-08 (Case #WS-15-12) are not specifically applicable to Growth Tier Map review.

The WSP amendments associated with Resolution 16-09 (Case #WS-15-13) for the proposed the Lewistown Sewer Service Area is currently designated Tier III on the Frederick County adopted growth tier map. If MDE approves this WSP amendment series for Frederick County to plan sewer service for the Lewistown area, then the County should amend it growth tier map for the

Lewistown Sewer Service Area to Tier II (planned for sewer). The County also should be aware that the Growth Tier Map needs to be incorporated into the County's Comprehensive Plan by December 31, 2016, otherwise the current Tier Map is no longer valid.

If you have any questions regarding these comments, please contact me at 410-767-1401 or John Leocha at 410-767-5497.

Sincerely,



Charles W. Boyd, AICP
Director of Planning Coordination

cc: Greg Golden, DNR
Dan Laird, MDE
Dwight Dotterer, MDA
John Leocha, Planning



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Department of Planning

Jan H. Gardner
County Executive

Steven C. Horn, Division Director
Jim Gugel, Director

September 9, 2016

Ms. Janice Outen
Maryland Department of the Environment
Water Quality Infrastructure Program
1800 Washington Blvd.
Baltimore MD 21230

Re: Frederick County Water/Sewer Plan Amendment WS-15-13 Lewistown Sewer Plan

Dear Ms. Outen:

As the Maryland Department of the Environment (MDE) continues its review of this case we would like to provide a response to the findings and comments from the Maryland Department of Planning (MDP) in their letter dated June 13, 2016.

While we do not disagree with MDP's reference to County policies that specifically limit public water/sewer only to growth areas and to prohibit the construction of new sub-regional wastewater treatment plants, one must also recognize the need to address well or septic problem areas, which can fall outside the purview of the County Comprehensive Plan and its Water and Sewerage Plan. Although problem areas are referenced in the Water Resources Element of the Comprehensive Plan with some general solutions described including the use of new septic technologies, provision of public sewer service to address these problems is always our first choice if it is available. It is not possible to describe every possible or recommended solution to a problem area in the Comprehensive Plan, particularly in the absence of a comprehensive Sanitary Survey and corresponding engineering evaluation, such as what was completed for the Lewistown area. The absence of a reference to the use of an existing, or new sub-regional system or for that matter a multi-use wastewater treatment plant (WWTP) should not automatically make such a proposal inconsistent with the Comprehensive Plan. Additionally, there are numerous policies in the Comprehensive Plan that support the protection of ground and surface waters and the investment in public infrastructure such as the Lewistown sewer plan would be consistent with these policies.

We would also like to emphasize that what is proposed for Lewistown is not an entirely new wastewater treatment plant, but an upgrade and expansion of an existing facility that is at the end of its functional life, e.g., nearly 50 years old. Given that this plant will still be necessary to serve the elementary school and fire station, expanding it and upgrading its treatment function will reduce nutrient loading to Fishing Creek, as well as solve an existing public health issue for the community. MDP should note that the County's existing Lewistown WWTP serves two lots of record. So by strict definition it is an existing sub-regional WWTP.

The suggestion by MDP to consider integrating Lewistown with either the White Rock system or the Crestview system, or the provision of a regional sewer interceptor to serve these areas and Lewistown is inappropriate. We believe such options would create a far more significant threat to allow inappropriate development in agricultural areas, even with the application of the County's Denied Access designation. This would require

between 3 and 5 miles of denied-access sewer line through agricultural areas that will only increase development pressure to access these lines. Also, neither the White Rock nor Crestview systems have the capacity to accommodate the needs in Lewistown. And lastly, this alternative would be significantly more expensive to construct than the proposed upgrade to the Lewistown WWTP. The County has studied numerous WWTP consolidations over the last two decades has consolidated many of its small regional and sub regional WWTPs through the construction of expensive interceptor projects. The County has extensive knowledge, cost information, and experience with such consolidations and has determined that it is not an economical or feasible option at this time for Lewistown.

The MDP letter makes several references that an expanded Lewistown system will allow for "incompatible uses" that would be "out of character" for a Rural Community. We acknowledge that the Lewistown sewer service area includes properties with Village Center (VC) and General Commercial (GC) zoning that theoretically could be developed more intensely than what currently exists, but this scenario is unlikely for several reasons. The VC zoning is focused along Hessong Bridge Road where the existing lots are very small and would not be able to accommodate any intensive redevelopment. The few properties zoned GC are either fully developed or are not expected to develop with an intensive use that could be deemed incompatible with the Lewistown community. We do not believe that the threat of having incompatible uses that may be perceived as out of character with the community is relevant to the issue of whether a sewer system is appropriate to address a public health issue.

We cannot emphasize this enough - the planned upgraded WWTP will have a very limited capacity with priority to serve existing residences and uses along Hessong Bridge Road and Fish Hatchery Road in an initial phase. The County will have adequate control of the capacity through its Water and Sewer Plan amendment process and its Water and Sewer Rules and Regulations to ensure that the sewer system capacity associated with the project is reserved for this small service area. The suggestion that this small sewage collection system and sub-regional WWTP will result in unanticipated growth is simply false. The project and requested Water and Sewerage Plan Amendment is solely to address a public health issue that, if unchecked, may cause direct harm to the public and indirect financial hardship to the community.

Following the Health Department's publication of the Sanitary Survey for Lewistown in 2013, the County has been working with MDE, Frederick County Health Department, and the community to find a solution to the problem and secure adequate funding so that a multi-phased project can address the community's needs. The project involves the replacement of the County's existing Lewistown WWTP with an advanced nutrient reducing treatment facility, securing additional WWTP permitted discharge capacity, and a phased construction of a low pressure grinder pump (LPGP) collection system to serve the properties that have failed or failing septic systems. The LPGP collection system would then be expanded incrementally as existing dwellings experience septic system failures. Because of the age of the existing wells and septic systems in Lewistown, the need for a public sewer option to address the public health concerns in the community will only increase as the private infrastructure continues to age. The inability of the majority of the properties in Lewistown to meet regulatory requirements for setback distances between septic systems and wells, streams and drainage ways, and other features severely limit the area available for adequate replacement systems to be installed. These factors, along with limiting soil and groundwater conditions, contribute to the existing contamination of wells in Lewistown as well as the need to approve holding tanks as a means of sewage disposal when septic systems malfunction. The proposed public system therefore would provide a necessary means of sewage disposal for the residents as well as an improvement in the safety of their potable water supplies that maintaining the status quo cannot.

The WWTP replacement is a necessary first step since the existing treatment facility has reached the end of its useful life (more than 50 years). In conjunction with this project and to make sure that there is enough wastewater treatment capacity to serve the existing dwellings in the Lewistown service area, the County is securing wastewater discharge capacity associated with a privately-owned wastewater discharge permit. The County's existing Lewistown WWTP has a wastewater discharge permit that is based on an average of 22,000 GPD. The County, through an agreement with a private property owner that has a separate discharge permit, is securing an additional 4,990 GPD of discharge capacity for this WWTP. Combined, the two permits will provide the County with the ability to discharge approximately 26,990 GPD of treated effluent, through an existing outfall to Fishing Creek, exactly where the existing Lewistown WWTP currently discharges.

The discharge permit consolidation and the WWTP replacement, after adjusting for the Elementary School and Volunteer Fire Company flows, will provide approximately 24,325 GPD of additional treatment and discharge capacity for the Lewistown service area. Based on unit flows from similar types of sewage collection systems, individual households or Equivalent Dwelling Units (EDU), are expected to contribute between 200 to 250 GPD per EDU. Figure 1 provides a breakdown of the amount of wastewater treatment and discharge capacity that the permit consolidation and facility improvements will provide and the corresponding number of EDU's that can be served by the project.

NPDES Permit Basis ¹	
Lewistown Elem. School WWTP Permit	22,000 GPD
Lewistown Mills WWTP Permit	4,990 GPD
Total:	26,990 GPD
Current Usage ²	
Lewistown Elem. School	
Lewistown Volunteer Fire Co.	
Total:	2,575 GPD
Remaining Capacity	24,325 GPD
Potential Available Treatment Capacity for Service Area	
Potential EDU @ 250 GPD/EDU	97.3 EDU
Potential EDU @ 200 GPD/EDU	121.6 EDU

FIGURE 1. Combined Permits Discharge Capacity

The Frederick County Health Department's 2013 Sanitary Survey area was bounded by Angleberger Road to the north, Powell Road to the south, Hessong Bridge Road to the east and US 15 to the west. A total of 94 improved properties were included in the survey area. The proposed project anticipates that these improved properties will connect over time as on-site septic system failures occur and collection system extension projects are approved and constructed. Ultimately there will be only a small amount of remaining capacity left that can serve undeveloped lots. Since the purpose of the project is to address the failed and failing septic system problem in

¹ Based on Waste Load Allocations referenced in NPDES permits MD0022900 and MD0067273.

² Based on last three years average flow.

the community, capacity provided by the sewage collection system and treatment plant will be prioritized for the existing dwellings first, and any remaining capacity for existing recorded lots. The County's DUSWM has existing legal authority to maintain these capacity reservations; therefore, there will be no potential expansion of the system outside the delineated service area unless additional existing dwellings experience septic system failures and excess capacity is available to serve these properties.

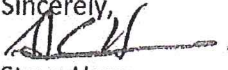
Frederick County wants to be very clear on this next point. We were surprised to read the conjecture in the MDP letter, citing Frederick County's Comprehensive Plan Goal MG-G-04, stating that the proposed establishment of a Lewistown Server Service Area has the potential of introducing incompatible uses that do not support agriculture and would be out of character for the purpose of Rural Communities. This statement seems to indicate that MDP is willing to withhold approval of important essential infrastructure necessary to protect the community's public health and the environment because MDP believes that this small project might be "out of character". Additional commentary in the letter postulating the possibility of properties along Hessong Bridge Road being redeveloped is misplaced and inappropriate. This is a public health issue that the County is attempting to address in an expedient manner. The idea that MDP would withhold or delay approval of a plan to protect public health in one of our communities because of a possibility of incompatible uses is very disturbing, particularly since this is not supposed to be the role of the MDP.

Finally, we wish to remind the MDP that the connection of existing dwellings to a public sewer system, when the health department has determined that the on-site sewage disposal system has failed, is a public health function and not a planning function. In fact when the health department identifies a septic system failure or when a dwelling on a holding tank is able to connect to a public sewer system; the process is automatic and does not require a Water and Sewerage Plan amendment before the connection is allowed. We do however, as an administrative action, subsequently request W&S plan amendments to recognize these connections in the plan.

Finally, we must note that §9-506 of the Environment Article of the Maryland Code indicates that the local Planning Commission holds the authority to determine whether a particular amendment to the Water and Sewerage Plan is consistent with the County Comprehensive Plan. To the best of our knowledge, neither MDP nor MDE can substitute its judgment for that of the local Planning Commission.

For the reasons stated above, we affirm our support for Frederick County Water and Sewerage Plan Amendment WS-15-13 and request that MDE approve the subject amendment as soon as possible. If the information contained in this correspondence does not address all of MDE's concerns we respectfully request a meeting with Secretaries Grumbles and Peters so we can bring this problem to their attention and seek a timely resolution to this matter.

If you have any questions about our response please feel free to contact me at 301-600-1151 or shorn@frederickcountymd.gov. We look forward to MDE's positive review of this amendment.

Sincerely,

Steve Horn
Division Director

Cc Jan Gardner, County Executive
Chuck Boyd, MDP